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REMARKS / DISCUSSION OF ISSUES

Claims 1 – 14 are in the case and presented for consideration.

35 U.S.C. 112

The Office has rejected claims 1 and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 12 have been amended accordingly and consistent with the Examiner's amendment suggestions. No new matter was added.

The Office has rejected claim 1 under 35 U.S.C. 112, first paragraph because the claim contains subject matter which was not described in the specification. In particularly, the Office objects to the recitation of a "computer readable medium" as not supported. Applicants respectfully disagree. On page 12, lines 18-22 read in pertinent part as follows:

> The data processing device 70 is programmed to implement the processing means for processing medical image data according to the invention. In particular, the data processing device 70 has computing means and *memory means necessary to perform the operations* described in relation to FIG. 1 AND FIG. 4. A computer program product having *preprogrammed instructions to carry out these operations* can be implemented.

The language "a computer readable medium" finds explicit support from the specification description of a *memory means*. Furthermore, while it is not explicitly stated that the program code is encoded onto the memory means, it is well known to one having ordinary skill in the art that program code instructions are encoded onto a memory means so that the instructions can be executed by a processor to carry out computer executable operations. The specification explicitly refers to "memory means necessary to perform operations" and "instructions to carry out these operations". The direct link between the memory means and the instructions is notorious in the art. Furthermore, it is also implicit that a *computer program product* by definition could be encoded on a computer readable medium.

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Accordingly, as explained to the Examiner in an interview as described below, it is believed that claim 1 is supported at least implicitly, if not explicitly, by the specification.

The preceding comments are only intended to show support for recitations in claim 1 and should not limit the interpretation of claim 1 in any way.

Interview Summary

On July 1, 2009, the undersigned contacted the Examiner to discuss the Examiner's rejection of claim 1 under 35 U.S.C. 112, first paragraph, based on the recitation of a "computer readable medium". The undersigned explained that the specification explicitly calls for a memory means, which supports the recitation of a "computer readable medium". The undersigned also pointed out that a computer program product, as explicitly set forth in the specification, is realized at least implicitly on a computer readable medium, which is well known in the art. The Examiner agreed and asked the undersigned to convey the same comments in the response to Office Action along with a short interview summary.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

The claims have only been amended to address various formal objections raised by the Examiner under 35 U.S.C. 112. The claims have not been amended to avoid prior art or to make any substantive change. Accordingly, the claims should be interpreted with the full range of equivalents, and should not be limited in any way by either the amendments to the claims or by any of the arguments that have been made herein to correct various informalities.

If any issues remain, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite the issuance of a Notice of Allowance.

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Respectfully submitted,

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